**FARAD CONTINUATION SHEET No.**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE.**

**CRIMINAL APPLICATION NO.4138 of 2004.**
**IN**
**CRIMINAL APPLICATION NO.1338 Of 2005.**

The State of Maharashtra. ..Applicant.
vs.
Manoj Laxman Choudhary. ..Respondent

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| Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders. | : | Court's or Judge's orders |

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A.P.P. for the State.
Shri K.S. Patil for the respondent.

**CORAM: V.G.PALSHIKAR AND**
**V.C.DAGA, JJ.**
**DATED: 10.6.2005.**

**P.C.:**

1. Heard learned A.P.P.

2. For the reasons mentioned in the application, delay in filing appeal is condoned.

3. Heard learned A.P.P. for the State on merits. Whole case rests on circumstances. Conviction is sought under alleged disclosure of involvement of the accused by one Shantaram, but that Shantaram is not examined. The complainant, who is examined denies any communication from Shantaram to that

effect. Ultimately, the case rests on recovery of motorcycle which, allegedly was used for running away from the scene of offence. Recovery in itself is a weak form of evidence in the absence of any substantial corroborating evidence. No fault can be found in the order impugned whereby the learned trial Judge has acquitted the accused on evidence as appreciated by him. There is no error of appreciation or error of procedural law. Hence no interference is called for.

Application for leave is rejected.

**(V.C.AGA, J.)  (V.G.PALSHIKAR,J.)**